IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6140 OF 2004

Shri Raghunath G. Padwal and ors. ... Petitioners

v/s

Sou Mangal R. Khatki ... Respondent

Mr A.B. Borkar for Petitioners.

Mr Sanjay Prabhu for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 22ND JUNE 2005.

P.C. :-

1. The temporary injunction that the petitioners were claiming was that the defendant No.1 should not disturb their possession of the agricultural land which is the suit property. The Appeal Court has observed that in proceedings before the revenue authority the plaintiffs have admitted that it is defendant No.1 who is in cultivating possession of the suit land. If the plaintiffs admit that the defendant No.1 is in cultivating possession, it is obvious that the plaintiffs are not cultivating the land and obviously therefore, they cannot get injunction restraining the defendant No.1 from disturbing their possession and it is defendant No.1 who is in actual cultivating possession. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.